

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON EDUCATION**

**Call to Order:** By **VICE CHAIRMAN KATHLEEN GALVIN-HALCRO**, on  
January 15, 2001 at 3:00 P.M., in Room 137B Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Gay Ann Masolo, Chairman (R)  
Rep. Kathleen Galvin-Halcro, Vice Chairman (D)  
Rep. Bob Lawson, Vice Chairman (R)  
Rep. Joan Andersen (R)  
Rep. Norma Bixby (D)  
Rep. Gary Branae (D)  
Rep. Nancy Fritz (D)  
Rep. Verdell Jackson (R)  
Rep. Hal Jacobson (D)  
Rep. Larry Lehman (R)  
Rep. Jeff Mangan (D)  
Rep. Joe McKenney (R)  
Rep. John Musgrove (D)  
Rep. Alan Olson (R)  
Rep. Ken Peterson (R)  
Rep. Butch Waddill (R)  
Rep. Allan Walters (R)  
Rep. Merlin Wolery (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Connie Erickson, Legislative Branch  
Nina Roatch, Committee Secretary

**Please Note:** These are summary minutes. Testimony and  
discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted:

Executive Action: HB 160; HB103; HB 164; HB 134

The meeting was called to order by **REPRESENTATIVE GALVIN-HALCRO** in the absence of **REPRESENTATIVE MASOLO**. The **Chair** was late for the meeting as she was testifying at a different hearing. **REPRESENTATIVE LAWSON** voted for her by proxy.

**EXECUTIVE ACTION ON HB 164**

**Motion:** **REPRESENTATIVE OLSON** moved that **HB 164 DO PASS**.

**Discussion:**

**REPRESENTATIVE OLSON** stated that the bill under consideration takes the 4% cap off voted levies and it will not affect the maximum budget. All levies will still be voted.

**REPRESENTATIVE MCKENNEY** said he likes the bill. It allows the local district to grow the budget faster than the 4%. I will support the bill.

**REPRESENTATIVE JACKSON** questioned **REPRESENTATIVE OLSON**. I have had some people say this bill will affect equalization. Others say that it won't. Could you clarify this for me?

**REPRESENTATIVE OLSON** said this will not affect equalization. It will be working in the top 20% of the budget. It does not increase the cap.

**Motion/Vote:** **REPRESENTATIVE OLSON** moved **HB 164 DO PASS**. **Motion** carried unanimously. 18-0

**EXECUTIVE ACTION ON HB 134**

**Motion:** **REPRESENTATIVE MANGAN** moved that **HB 134 DO PASS**.

**Discussion:**

**Connie Erickson** said there were two amendments to the bill and were to be found in the each representative's folder.

**REPRESENTATIVE LAWSON** said we have two amendments prepared by **Connie Erickson**. There is a third one prepared by someone else. **Connie Erickson** said she was more comfortable if the committee only looked at amendments that she had prepared.

**Motion:** **REPRESENTATIVE MANGAN** moved that the first amendment on **HB 134 DO PASS**. This amendment includes the three areas and amends the title of vocational/technical to include tribal community colleges.

**Discussion:**

**REPRESENTATIVE PETERSON** asked if this amendment had anything to do with the curriculum and the difficulty of it. What I am thinking of is, if a tribal community college doesn't have as high a standard, does it still fit in within this definition?

**Connie Erickson** replied. The purpose of this definition is primarily for funding. Tribal community colleges are eligible for Carl Perkins money, which is federal money and they are receiving it. What this amendment does is put it into state law that the tribal community colleges are eligible for Carl Perkins money. It doesn't have anything to do with the curriculum.

**REPRESENTATIVE BIXBY** said that tribally controlled colleges are accredited by **Northwest**.

**Motion/Voice Vote:** **REPRESENTATIVE MANGAN** moved **DO PASS** on the amendment. **Motion Carried Unanimously. 18 - 0**

**Motion/Voice Vote:** **REPRESENTATIVE MANGAN** moved that amendment number two on **HB 134 DO PASS**. This amendment inserts "field supervision of students beyond for the school year for" to cover summer involvement for a teacher. **Motion Carried Unanimously. 18 - 0**

**Motion:** **REPRESENTATIVE MANGAN** moved that **HB 134 DO PASS AS AMENDED**.

**Discussion:**

**REPRESENTATIVE JACKSON** said his concern about the bill is on page 12, line 5 which says, "for the receipt of funding not inconsistent with Title 20, chapter 7, part 3." He would like to take out the double negative make it read, "for the receipt of funding consistent with Title 20, chapter 7, part 3."

**Connie Erickson** said, since there are other amendments to the bill, it would not be a problem to do this change.

**REPRESENTATIVE OLSON** had a question on page 13, lines 1 - 4, with this language is it going to require a maintenance of effort on the school district's part? As I read it, it could cause budget problems if a district cuts funding in vocational education and then it would also mean a loss of state funds in vocational education.

**REPRESENTATIVE LAWSON** as the **CHAIR**, if without exception, **Madalyn Quinlan** could answer the question.

**Madalyn Quinlan, OPI**, it is not technically a maintenance of effort question, but it is true that the state secondary vocational education money is matched to local funding. If the local district cuts back on funding for vocational education then the funding from the state would be cut also. Likewise, if the state cut its vocational education funding, then the local district could do that also, or it might have to find replacement money to maintain the program that they had.

**REPRESENTATIVE JACKSON** asked of **Miss Quinlan**, if on page 2, line 6 of the bill, should the word "activities" be replaced with the word programs? Throughout the bill the word programs is the one used, does **OPI** approve activities or do they approve programs?

**Madalyn Quinlan** said she would be very cautious about amending that from activities to programs. Programs typically means a curriculum approved by the **BPE**. Activities could cover a whole range of areas. I can't address specifically what it might cover. I don't think that would be an appropriate change.

**Motion/Voice Vote:** **REPRESENTATIVE JACKSON** moved his technical amendment, removing the double negative, **DO PASS**. **Motion Carried 17 - 1** **REPRESENTATIVE MANGAN** cast the no vote.

**Motion/Vote:** **REPRESENTATIVE MANGAN** moved **HB 134, AS AMENDED, DO PASS**. **Motion Carried Unanimously. 18 - 0.**

#### **EXECUTIVE ACTION ON HB 103**

**Motion:** **REPRESENTATIVE OLSON** moved **HB 103 DO PASS**. Montana already has multi-year accreditation through **Northwestern Association of Schools and Colleges**. **Northwestern's** standards are tougher than anything we currently have in the state process of accreditation.

#### **Discussion:**

**REPRESENTATIVE OLSON** presented an amendment to his bill. This amendment is to take care of some concerns brought up testimony. On page 1, line 19, following years, we would insert "except that multi-year accreditation may only be granted to schools in compliance with code 20-4-101."

**Motion/Voice Vote:** **REPRESENTATIVE OLSON** moved that Amendment for **HB 103 DO PASS**. **Motion Carried 16 - 2**. **REPRESENTATIVE JACKSON** and **REPRESENTATIVE WALTERS** voted no.

**REPRESENTATIVE MUSGROVE** presented an amendment. On page 1, line 18, following the word "district," I would insert "by the

superintendent of public instruction." This gives us a clear view of who is doing the process.

**Motion:** REPRESENTATIVE MUSGROVE moved that Amendment for HB 103 DO PASS.

**Discussion:**

REPRESENTATIVE MASOLO asked what this amendment would do to "upon the recommendation of the superintendent of public instruction in line 17?

Connie Erickson said it didn't do anything to it.

REPRESENTATIVE LAWSON had a question for REPRESENTATIVE OLSON. He asked how he felt about the amendment. REPRESENTATIVE OLSON said he doesn't have any feelings about it though he recognizes that the amendment covers that which is already stated in law and what OPI already does.

**Motion/Vote:** REPRESENTATIVE MUSGROVE moved that Amendment for HB 103 DO PASS. Motion carried by a vote of 10 - 8. REPRESENTATIVE LAWSON, REPRESENTATIVE ANDERSEN, REPRESENTATIVE MCKENNEY, REPRESENTATIVE OLSON, REPRESENTATIVE PETERSON, REPRESENTATIVE WALTERS, REPRESENTATIVE WOLERY AND REPRESENTATIVE MASOLO voted no.

**Motion:** REPRESENTATIVE OLSON moved that HB 103 DO PASS AS AMENDED.

**Discussion:**

REPRESENTATIVE JACKSON asked REPRESENTATIVE OLSON if he would entertain a friendly amendment to change the limit of 3 years for multi-accreditation to 5 years. REPRESENTATIVE OLSON was agreeable to the amendment.

**Motion:** REPRESENTATIVE JACKSON moved that on line 19, that right after 2, we have 2, 3, 4, or 5 school years.

**Discussion:**

REPRESENTATIVE MUSGROVE said he was in a school where Northwest accreditation standards were in force and it worked out exceedingly well. This would parallel those standards.

REPRESENTATIVE WOLERY asked who determines how many years are given to the school in the range of years offered.

**REPRESENTATIVE JACKSON** said he had been on accreditation teams and it was the team that determined how many years are given.

**REPRESENTATIVE OLSON** agreed.

**Mr. Cooper, OPI**, asked if he might reiterate that the final decision for the number of years of accreditation would be made by the **BPE**. It would be **OPI** working with the educational community in forming those teams in cases where it would be performance based or the **OPI** when it would be records based. In all cases the decision lies with the **BPE**.

**REPRESENTATIVE PETERSON** asked if a school is accredited for a period of 5 years and problems develop during that five year period and are brought to the attention of the proper agency, if there is any opportunity to go in and re-evaluate the accreditation?

**Mr. Cooper** responded. Yes, at any time the **BPE** can request for a re-evaluation of accreditation.

**REPRESENTATIVE LEHMAN** asked **Mr. Cooper**, what if a school did not want to be accredited for more than one year? **Mr. Cooper** said a school would not have to accept more than one year of accreditation.

**REPRESENTATIVE MANGAN** asked **Mr. Cooper** if currently today a school can receive a 5 year accreditation. **Mr. Cooper** said that currently the law restricts the **BPE** from giving anymore than a one year accreditation.

**REPRESENTATIVE LEHMAN** had a question for **Mr. Cooper**. If, in fact, a school is given multi-year accreditation, are they required to give a fall report? **Mr. Cooper** said the fall report would still be mandatory. **REPRESENTATIVE LEHMAN** asked if **Mr. Feaver's** concerns about districts employing non-certified teachers would then be picked up in the fall report. **Mr. Cooper** said, that is correct.

**REPRESENTATIVE ANDERSEN** asked if approving of multi-year accreditation would require more help in the **OPI**. **Mr. Cooper** said that the two people currently involved in the paperwork would be required, regardless of the number of years the schools are accredited for, because of the number of schools and the need to provide so much information in the fall report. With the multi-year accreditation, and this is certainly up the **BPE**, the rule calls for them to develop rules to follow. Those rules and guidelines would involve the **OPI** being facilitators who would work with educators across Montana in the accreditation process. I would not anticipate a reduction in the need for the two people

presently working in the **OPI**. **REPRESENTATIVE ANDERSEN** said so there probably not be a reduction of the current 2 FTE's? **Mr. Cooper** said I would not anticipate any system of accreditation that the **BPE** undertakes with the assistance of the **OPI** that would lead to less than two people. **REPRESENTATIVE ANDERSEN** said this is a correct assumption: It would not be more than two people? The **CHAIR** asked **REPRESENTATIVE OLSON**, if, since he signed the fiscal note, he might answer the question. **REPRESENTATIVE OLSON** said he was about to ask the **OPI** if they took part in the fiscal note, since this is a bill at their request. The **CHAIR** asked **Madalyn Quinlan** if she could answer the question. She said that **OPI** did draft this fiscal note and then after we sent it to the governor's budget office, **Amy Carlson** called me and asked if we would have a staff reduction. So she added these two sentences about staff reduction. I would agree with **Mr. Cooper**. The job descriptions could change a bit, but I do not believe there will be a staff reduction. When she drafted the fiscal note, there was no intention of having a staff reduction.

**REPRESENTATIVE JACKSON** questioned **Mr. Cooper**. In regards to the accreditation process, there is quite a bit of time and effort put in at the local level. It is a process of six to eight months to prepare for it. Given five years, the local district might save time and money and do a better job. At the state level it would save them money, rather than staff. Would the local school have the responsibility of paying the expenses of the accreditation team? **Mr. Cooper** said, the **OPI** pays its staff for its participation. Some schools volunteer their staff members and pay their costs. The remainder of the costs would be born by the local school district.

**REPRESENTATIVE MANGAN** said it sounded to him like the **OPI** brought the bill to the committee with a three year limit on multi-year accreditation and that he was not going to vote for the amendment that would change it to five. He felt the three year time limit should be tried before extending it to five.

**REPRESENTATIVE MUSGROVE** said one of the things that makes this work in terms of the school staff point, is that any number of teachers will volunteer their time and their talents to make it work on their end when the **OPI** or **Northwest** comes in. They spend hours and hours seeing that everything is satisfactory. Within the five year time you can see a progression that might not be seen in a shorter length of time.

**REPRESENTATIVE OLSON** said that his comfort level with **Northwest** accrediting school for five years, would it make him comfortable to raise the number to 5 in the bill.

**REPRESENTATIVE PETERSON** said he would support the amendment.

**REPRESENTATIVE LEHMAN** said he would support the amendment and the bill as amended. He did have a point of clarification he wished to ask **Mr. Cooper**. **REPRESENTATIVE LEHMAN** asked if there were any visitation in the accreditation process in place now? **Mr. Cooper** said that at present that is correct. There are alternative ways to meet accreditation requirements that a school may apply for and it can become much more involved. There could be visitations.

**Motion/Vote:** **REPRESENTATIVE JACKSON** moved that Amendment for **HB 103 DO PASS**. This amendment raises the years to a possible five years of accreditation. **Motion Carried 13 - 5**. **REPRESENTATIVE GALVIN-HALCRO**, **REPRESENTATIVE BIXBY**, **REPRESENTATIVE BRANAE**, **REPRESENTATIVE JACOBSON** and **REPRESENTATIVE MANGAN** voted no.

**Motion/Vote:** **REPRESENTATIVE OLSON** moved that **HB 103 DO PASS AS AMENDED**. **Motion Carried Unanimously. 18 - 0**.

(Tape : 1; Side : B)

**REPRESENTATIVE MASOLO** became **CHAIR** for the remainder of the meeting.

#### **EXECUTIVE ACTION ON HB 160**

**Motion:** **REPRESENTATIVE ANDERSEN** moved that **HB 160 DO PASS**. She informed the committee that there is an amendment to the bill and they do have a copy of it. The amendment was a clarification on page 5, line 3 through 6. On line 3 it would strike "reimbursement through proportion" on line 6 and insert "total reimbursement to all districts does not exceed 25% of the total special education allocation limit established." Reimbursement must be made to districts for amounts that exceed the threshold level calculated annually by the **OPI**. The threshold level is calculated as a percentage amount of the sum of the district's block grant and the required district match.

**Motion/Voice Vote:** **REPRESENTATIVE ANDERSEN** moved that Amendment for **HB160 DO PASS**. **Motion Carried Unanimously. 18 - 0**

#### **Discussion on HB 160:**

**REPRESENTATIVE JACKSON** had a question. On page 1, lines 7 and 8, with the exact figure of 52 ½ %, I am afraid this might be back next session. I was thinking of giving them more flexibility and amend it to say the total allocation to over 50% and for the



block grant under 26%. **REPRESENTATIVE ANDERSEN** replied. Part of the reason for doing this was that this gave the school districts, once the apportionments were figured, the exact figures to work with in their budgets. **Mr. Runkel** said the proportion was written in as a specific figure intentionally so that in part, districts could safely predict what their appropriation level is and to not give the **OPUSES** so much discretion. This bill is to try and assure the districts that we are trying to lock in the situation as close to what it is right now and then in the future be able for them predict, once your appropriation is arrived at what block grant figures would look like.

**REPRESENTATIVE JACKSON** withdrew the idea of his friendly amendment.

**motion/Vote:** **REPRESENTATIVE ANDERSEN** moved that **HB 160 DO PASS AS AMENDED. Motion Carried Unanimously. 18 - 0.**

**ADJOURNMENT**

Adjournment: 4:25 P.M.

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REP. GAY ANN MASOLO, Chairman

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NINA ROATCH, Secretary

GM/NR

**EXHIBIT** (edh11aad)